

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

FLINT FITZGERALD JOHNSON, JR.,	)	
	)	
Petitioner, pro se,	)	
	)	
v.	)	1:10CV373
	)	
ALLEN W. KELLER, JR.,	)	
	)	
Respondent.	)	

**ORDER**

On July 8, 2010, in accordance with 28 U.S.C. § 636(b), the Recommendation of the United States Magistrate Judge was filed, and notice was served on the parties in this action. Within the time limitation set forth in the statute, Petitioner objected to the Recommendation. (Doc. 10.)

The court has reviewed the portions of the Magistrate Judge's report to which objection was made and has made a de novo determination, which is in accord with the Magistrate Judge's report. The court hereby adopts the Magistrate Judge's Recommendation.

IT IS HEREBY ORDERED that Respondent's motion to dismiss on statute of limitations grounds (Doc. 4) be GRANTED, and the petition be DISMISSED.

/s/ Thomas D. Schroeder  
United States District Judge

August 17, 2010